



# Procedure file

Basic information		
DEC - Discharge procedure	<a href="#">2010/2176(DEC)</a>	Procedure completed
2009 discharge: European Maritime Safety Agency EMSA		
Subject 8.70.03.07 Previous discharges		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>CONT</b> Budgetary Control		23/03/2010
		S&D <a href="#">STAVRAKAKIS Georgios</a>	
		Shadow rapporteur	
		PPE <a href="#">MACOVEI Monica</a>	
		ALDE <a href="#">GERBRANDY Gerben-Jan</a>	
		Verts/ALE <a href="#">STAES Bart</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>TRAN</b> Transport and Tourism		26/10/2010
		ALDE <a href="#">UGGIAS Giommaria</a>	
European Commission	Commission DG <a href="#">Budget</a>	Commissioner ŠEMETA Algirdas	

Key events			
20/07/2010	Non-legislative basic document published	<a href="#">SEC(2010)0963</a>	Summary
07/10/2010	Committee referral announced in Parliament		
21/03/2011	Vote in committee		Summary
06/04/2011	Committee report tabled for plenary	<a href="#">A7-0132/2011</a>	
10/05/2011	Results of vote in Parliament		
10/05/2011	Debate in Parliament		
10/05/2011	Decision by Parliament	<a href="#">T7-0174/2011</a>	Summary
10/05/2011	End of procedure in Parliament		
27/09/2011	Final act published in Official Journal		

Technical information	
Procedure reference	2010/2176(DEC)
Procedure type	DEC - Discharge procedure
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	CONT/7/04051

Documentation gateway					
Non-legislative basic document		<a href="#">SEC(2010)0963</a>	20/07/2010	EC	Summary
Court of Auditors: opinion, report		N7-0016/2011 <a href="#">OJ C 338 14.12.2010, p. 0052</a>	16/09/2010	CofA	Summary
Committee draft report		<a href="#">PE450.721</a>	01/02/2011	EP	
Document attached to the procedure		<a href="#">05892/2011</a>	03/02/2011	CSL	Summary
Committee opinion	TRAN	<a href="#">PE454.410</a>	01/03/2011	EP	
Committee report tabled for plenary, single reading		<a href="#">A7-0132/2011</a>	06/04/2011	EP	
Text adopted by Parliament, single reading		<a href="#">T7-0174/2011</a>	10/05/2011	EP	Summary

Final act	
<a href="#">Decision 2011/586</a> <a href="#">OJ L 250 27.09.2011, p. 0181</a>	Summary

## 2009 discharge: European Maritime Safety Agency EMSA

**PURPOSE:** presentation by the Commission of the consolidated annual accounts of the European Union for the financial year 2009, as part of the 2009 discharge procedure.

Analysis of the accounts of the European Maritime Safety Agency (EMSA).

**CONTENT:** this Commission document sets out the consolidated annual accounts of the European Union for the financial year 2009 as prepared on the basis of the information presented by the institutions, organisations and bodies of the EU, in accordance with Article 129 (2) of the Financial Regulation applicable to the EU's General Budget, including the European Maritime Safety Agency (EMSA).

In 2009, the tasks and budget of this agency were as follows:

- description of EMSA's tasks: the Agency, which is located in Lisbon, was established by was set up by [Regulation \(EC\) No 1406/2002 of the European Parliament and of the Council](#). The Agency's tasks are to ensure a high level of maritime safety and to prevent pollution by ships, provide the Commission and the Member States with technical assistance, and monitor the implementation of Union legislation, as well as to evaluate its effectiveness;
- EMSA's budget for the 2009 financial year: the Agency's 2009 budget amounted to EUR 53.3 million, compared with EUR 50.2 million the previous year. The number of staff employed by the Agency at the end of the year was 212, as compared to 211 in the previous year.

The complete version of the Agency's final accounts may be found at the following address: [www.emsa.europa.eu](http://www.emsa.europa.eu)

## 2009 discharge: European Maritime Safety Agency EMSA

**PURPOSE:** presentation by the Court of Auditors of its report on the annual accounts of the European Maritime Safety Agency (EMSA) for the financial year 2009, together with the Agency's replies.

**CONTENT:** in accordance with the tasks and objectives conferred on it by the Treaty on the Functioning of the European Union (TFEU), the Court of Auditors, in the context of the discharge procedure, addresses to the European Parliament and the Council a Statement of Assurance on the reliability of the annual accounts, as well as of the legality and regularity of the transactions underlying them of each EU institution, body or agency, on the basis of an external, independent audit.

This audit also covered the annual accounts of the European Maritime Safety Agency (EMSA).

In the Court's opinion, the Agency's annual accounts presented fairly, in all material respects, its financial position as of 31 December 2009 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of its Financial Regulation.

The Court also stated that the transactions underlying the annual accounts of the Agency for the financial year ended 31 December 2009 were, in all material respects, legal and regular.

The report again confirmed that the Agency's 2009 final budget amounted to EUR 53.3 million and that it employed 212 agents during the financial year.

The report also included comments on the Agency's budgetary and financial management, together with the Agency's replies. The main comments are as follows:

The Court's comments:

- the procedures for drawing up the budget were not sufficiently rigorous and led to a significant number of budgetary transfers. This situation shows that the linkages between the budget and the work programme need to be improved;
- more than 75% of the procurement procedures launched in 2009 were negotiated procedures, which is not in compliance with the Agency's Financial Regulation;
- weaknesses and lack of transparency in certain recruitment procedures.

The Agency's replies:

- continuation of efforts to improve planning and monitoring and, consequently, the number of budget transfers;
- measures to better inform the budgetary authority of procurement procedures in order to comply with the provisions of the financial regulation;
- updating of recruitment procedures to ensure an even more transparent and non-discriminatory recruitment procedure.

Lastly, the Court of Auditor's report contained a summary of the Agency's activities in 2009 in the following areas:

- organisation of workshops and other events;
- training for inspectors in charge of Port State Control;
- inspections and visits;
- setting in place of technological tools such as SafeSeaNet and CleanSeaNet (satellite monitoring);
- signature of contracts for anti-pollution vessels;
- drills and exercises with the anti-pollution vessels
- EMSA Maritime Support Services operating on a 24/7 basis.

## 2009 discharge: European Maritime Safety Agency EMSA

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The Committee on Budgetary Control adopted the report by Georgios STAVRAKAKIS (S&D, EL) on discharge to be granted to the Executive Director of the European Maritime Safety Agency for implementation of the Agency's budget for the financial year 2009.

Noting that the Agency's annual accounts for the financial year 2009 are reliable, and the underlying transactions are legal and regular, MEPs approve the closure of the Agency's accounts. However, they make a number of recommendations that need to be taken into account when the discharge is granted, in addition to the general recommendations that appear in the draft resolution on financial management and control of EU agencies (see [DEC/2010/2271](#)):

- performance: Members call on the Agency to set out a comparison of operations carried out during the year for which discharge is to be granted and in the previous financial year so as to enable the discharge authority to assess more effectively the Agency's performance from one year to the next;
- budget transfers: Members consider it a matter of concern that the Court of Auditors has again noted a high number of budget transfers in 2009 and urge the Agency to improve its planning and monitoring in order to reduce the number of budget transfers;
- posteriori commitments: Members call on the Agency to further reduce the number of posteriori commitments (i.e. legal commitments that were entered into before the corresponding budgetary commitments were made);
- procurement procedure: Members urge the Agency to correctly apply procurement procedures and note with satisfaction that in the Annual Report of 2009 the Agency has included a specific Annex on negotiated procedures, in order to inform the budgetary authority;
- human resources: Members urge the Agency to redress the present weaknesses, namely : the lack of respect for the anonymity of candidates completing written tests, the lack of compliance with the predefined criteria, and the inconsistency of criteria for short-listing candidates;
- internal audit: Members acknowledge that the IAS performed an audit concerning the management of the fleet of vessels in the area of pollution preparedness in order to assess the adequacy and effectiveness of the internal control system as regards the oil pollution preparedness and response system. They call on the Agency to rapidly implement the IAS's "very important" recommendations. Lastly, they note that the Agency does not employ a full time Internal Audit Capability (IAC) but shares the IAC with the Community Fisheries Control Agency (CFCA). They consider this shared service a best practice to be promoted by other Agencies.

## 2009 discharge: European Maritime Safety Agency EMSA

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**PURPOSE:** to grant discharge to the European Maritime Safety Agency in respect of the implementation of the Agency's budget for the financial year 2009.

**NON-LEGISLATIVE ACT:** Decision 2011/586/EU on discharge in respect of the implementation of the budget of the European Maritime Safety Agency for the financial year 2009.

**CONTENT:** with the present decision, the European Parliament grants discharge to the Executive Director of the European Maritime Safety

Agency for the implementation of its budget for the financial year 2009.

This decision is in line with the European Parliament's resolution adopted on 10 May 2011 and comprises a series of observations that form an integral part of the discharge decision (please refer to the summary of the opinion of 10/05/2011).

A parallel decision, adopted on the same day, approves the closure of this Agency's accounts.

## 2009 discharge: European Maritime Safety Agency EMSA

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The European Parliament adopted by 529 votes to 75, with 31 abstentions a decision to grant discharge to the Executive Director of the European Maritime Safety Agency for implementation of the Agency's budget for the financial year 2009.

Noting that the Agency's annual accounts for the financial year 2009 are reliable, and the underlying transactions are legal and regular, Parliament approves the closure of the Agency's accounts. However, it makes a number of recommendations that need to be taken into account when the discharge is granted (in addition to the general recommendations that appear in the resolution on financial management and control of EU agencies - see [DEC/2010/2271](#)):

- budget transfers: Parliament considers it a matter of concern that the Court of Auditors has again noted a high number of budget transfers in 2009 and urges the Agency to improve its planning and monitoring in order to reduce the number of budget transfers;
- a posteriori commitments: Parliament calls on the Agency to further reduce the number of a posteriori commitments (i.e. legal commitments that were entered into before the corresponding budgetary commitments were made);
- procurement procedure: Parliament urges the Agency to correctly apply procurement procedures and notes with satisfaction that in the Annual Report of 2009 the Agency has included a specific Annex on negotiated procedures, in order to inform the budgetary authority;
- human resources: Parliament urges the Agency to redress the present weaknesses, namely : the lack of respect for the anonymity of candidates completing written tests, the lack of compliance with the predefined criteria, and the inconsistency of criteria for short-listing candidates;
- internal audit: Parliament notes that the Agency does not employ a full time Internal Audit Capability (IAC) but shares the IAC with the Community Fisheries Control Agency (CFCA). It considers this shared service to be a best practice that should be promoted among other Agencies.